

Remarks

Claims 1-18, 21-23, 59-78, and 80-98 are pending in the application. Claims 19-20, 24-58, and 79 have been canceled. Claims 1-3, 6-8, 12-14, 23, 59, 66, 70-72, 77, 80, and 81 have been amended. Claims 12-18 and 81 have been withdrawn as a result of an election of specie. New claims 82-98 have been added, and claim 97 has been withdrawn as being related to an unelected specie. No new matter has been added by virtue of this amendment. Reconsideration of the application as amended is requested.

Claim Rejections--35 U.S.C. § 102(b)

The Examiner rejects claims 1-4, 6, 10, 18, 21-23, 59-62, 64, 68, 76, 77, 78, and 80 under 35 U.S.C. § 102(b), as being anticipated by JP 07-211684 ("the JP '684 patent").

However, applicant would respectfully ask the Examiner to consider that transducer 111 of the JP '684 patent is affixed to tank bottom 109, 109b and that substrate 101 is inclined with respect to transducer 111. Applicant would further ask the Examiner to consider that a transducer is a device that converts one form of energy into another form, in this case electrical energy into vibrational energy. Applicant would further ask the Examiner to consider that tank bottom 109, 109b only transmits the vibrational energy from transducer 111 to surface 103c and to liquid 108, and, therefore, tank bottom 109, 109b is not itself a transducer. Finally, applicant would ask the Examiner to consider that claim 1 includes the limit,

"disposing a substrate in said container within said sidewalls, below said overflow, and substantially parallel to and spaced a first spacing from at least one from the group including said first active surface and said first array active surface."

claims 23 and 59 include similar limits.

The JP '684 patent does not teach or suggest a substrate "substantially parallel" to the first active surface of the transducer. The JP '684 patent expressly teaches against such a limit provides instead that the substrate is "inclined" with respect to the first active surface. Thus, claims 1, 23, and 59, as amended, and claims dependent on those claims are clearly distinguished from the JP '684 patent. Therefore the rejection of claims 1-4, 6, 10, 18, 21-23, 59-62, 64, 68, 76, 77, 78, and 80 under 35 U.S.C. § 102(b), as being anticipated by the JP '684 patent has been traversed.

Claim Rejections--35 U.S.C. § 103(a)


The Examiner rejects claims 5, 11, 63, and 69 under 35 U.S.C. § 103(a), as being unpatentable over the JP '684 patent. Similarly, the Examiner rejects claims 7-9 and 65-67 under 35 U.S.C. § 103(a), as being unpatentable over the JP '684 patent. However, applicant would respectfully ask the examiner to consider that the JP '684 patent does not teach or suggest the "substantially parallel" limit of claims 1 and 59, as described herein above. Therefore the JP '684 patent does not teach or suggest the limits of claims which are dependent on claims 1 and 59.

Allowable Subject Matter

Applicant wishes to thank the Examiner for the allowance of claims 12-17 and 70-75 if rewritten in independent form.

It is believed that the claims are in condition for allowance. Therefore, applicant respectfully requests favorable reconsideration. If there are any questions please call applicant's agent at 802 864-1575.

Respectfully submitted,
For: Busnaina

By: 
James M. Leas
Registration Number 34,372
Tel: (802) 864-1575

James M. Leas
37 Butler Drive
S. Burlington, Vermont 05403